



The State Bar of California

Public Protection: Attorney Discipline and UPL Enforcement

The State Bar of California's mission and highest priority is protecting the public, primarily through a rigorous licensing process, regulating attorneys, prosecuting complaints of lawyer misconduct, pursuing those engaging in the unauthorized practice of law, and promoting ethical conduct.

Fast Facts

In 2019, the State Bar's Office of Chief Trial Counsel (OCTC):

- Opened more than 16,000 cases against California attorneys.
- Submitted to State Bar Court more than 600 attorney discipline cases, including notices of disciplinary charges, stipulations, and transmittals of criminal convictions.
- Opened more than 900 cases of unauthorized practice of law (UPL).
- Referred more than 300 UPL cases to law enforcement.

The State Bar also reimbursed approximately \$7 million to more than 700 victims of attorney misconduct.

The Attorney Discipline Process

- Attorney misconduct complaints are handled by OCTC.
- Complaint forms are available online in English, Spanish, Chinese, Vietnamese, Korean, and Russian. An Intake hotline is staffed by English and Spanish speakers, with on-demand interpretation services available in over 200 languages.
- OCTC reviews complaints and, where appropriate, conducts investigations.
- Complaints and investigations are confidential under statute.
- If the investigation reveals evidence sufficient to indicate that charges are warranted, prosecutors present the case before a judge in the independent [State Bar Court](#).
- The judge recommends or imposes discipline or dismisses the matter.
- If an attorney is convicted of a felony or crime that may involve moral turpitude, OCTC transmits the conviction record to the State Bar Court. The Court's Review Department determines whether the attorney should be suspended until all appeals are exhausted in the criminal case. After that, disciplinary action can proceed.
- All discipline involving disbarment or suspension is reviewed by the California Supreme Court.
- OCTC also reaches settlements, through stipulations, both before and after filing charges in the State Bar Court, with attorneys who have engaged in ethical violations or other misconduct.
- When OCTC files charges, this action is noted on the attorney's [online profile](#), which contains the attorney's full disciplinary history. Consumer alerts at the top of the profile highlight serious charges.
- The State Bar Court's [online docket](#) is the open, free, and publicly accessible repository for all public filings related to disciplinary cases.

Maximizing Effectiveness Through Prioritization

- In 2018, the State Bar strategically reformed its intake, investigative, and prosecutorial processes to become more efficient and focus resources on stopping the worst offenders.
- The highest priority cases are those with the greatest potential harm to the public.
- As a result, even though its overall workload increased in 2019, OCTC reduced the statutory backlog of highest priority cases by 14 percent.
- Low-risk cases that can be disposed of quickly are handled by expeditor staff.
- The 2020 licensing fee increase, after 20 years of stagnant fees, will begin to address the staffing shortfall in OCTC that has contributed to a long-term statutory backlog.
- The transition in 2019 to a new case management system also slowed case processing, contributing to the significant increase in the statutory backlog that year. This upfront investment of time will have long-term benefits in improved management reporting and better case data. The new system also improved public access to case records and State Bar Court calendars.

Pursuing Those Who Fraudulently Practice Law

- A specialized unit in OCTC addresses the Unauthorized Practice of Law (UPL). The unit responds to and investigates complaints about people practicing law without a license, including those who prey upon immigrant communities.
- The UPL complaint form is posted online in six languages. Making the complaint form more accessible and expanding outreach contributed to a 24 percent increase in UPL complaints in 2019.
- The State Bar has the authority to go to court to shut down the practice of people engaging in UPL and refers cases to City Attorneys and District Attorneys for prosecution. OCTC's enforcement of UPL statutes has involved cases where thousands of immigrants were defrauded.
- The unit searches proactively for immigration fraud by monitoring advertising and news targeted at Latino immigrant communities.
- Expanded outreach has included web, social media, and broadcast television interviews about avoiding fraud, reporting UPL, and accessing legitimate sources of immigration legal help.
- Hundreds of UPL cases are referred to law enforcement every year.

Leadership and Oversight

- The State Bar Board of Trustees hires the Chief Trial Counsel, subject to confirmation by the California Senate.
- Terms are four years; reappointments may be made for additional four-year terms.
- The Chief Trial Counsel reports directly to the State Bar Board of Trustees through its Regulation and Discipline Committee.